

REMARKS

Claims 14-32 are all the claims presently pending in the application. Claims 1-13 have been previously canceled without prejudice or disclaimer. Claims 14-27, 29-30 and 32 stand objected to. Claims 14-32 stand rejected upon informalities. Claims 14-27, 29-30 and 32 are amended herein. Applicants respectfully traverse these rejections based on the following discussion.

I. The 35 U.S.C. §112, First and Second Paragraphs, Rejection

Claims 14-32 stand rejected under 35 U.S.C. §112, first and second paragraphs. In response to the Examiner's comments, Applicant has amended the claims as suggested by the Examiner consistent with the Substitute Specification as indicated above.

Please note, regarding the enablement rejection under 35 U.S.C. §112, first paragraph, Applicant submits that it is clearly defined via case law that a prima facie case of enablement is, in part, based on one of ordinary skill in the pertinent art, and thus the application need be written only for one of ordinary skill, and not for the novice. Accordingly, not every last detail is to be described otherwise the patent specification would turn into a production specification, which they were never intended to be. Further, the Applicant submits that one of ordinary skill in the pertinent art regarding this invention, which is highly technical, would need a great skill level not a level of a novice computer programmer. It, therefore, would be unreasonable to apply a different standard in this situation.

Indeed, the Application lays out a mathematical framework, which allows one of ordinary skill in the art (more than a novice) to understand the invention. In particular, one of ordinary skill would clearly understand that the amended claim language, for example in claim 14, of "assigning the confidence values for each classifier in the decisions fusion application based on the greatest in value" is supported by the language in the Substitute Specification on Page 30, lines 6-15, including "[p]referably, a weight w_{ij} is assigned to each classifier i as a function of the overall confidence H_i and the sample confidence L_{ij} ." Thus, Applicants rebut the enablement

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rejection as being insufficient for meeting the prima facie case of lacking enablement as the claims in view of the specification have been interpreted using a lower, i.e., more novice standard, not the required standard of "one of ordinary skill in the pertinent art." (See In re Moore, 439 F.2d 1232, 169 USPQ 236 (C.C.P.A. 1971)); and In re Naquin, 398 F. 2d 863, 158 USPQ 317 (C.C.P.A. 1968)).

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II. Formal Matters and Conclusion

With respect to the objections to the specifications and claims, the specification and claims have been amended, above, to overcome these objections. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the objections to the specification and claims.

In view of the foregoing, Applicants submit that claims 14-32, all the claims presently pending in the application, are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

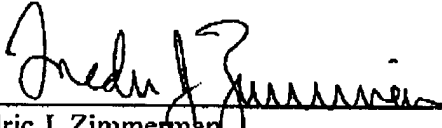
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

Dated: 10/22/04

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